

**BDCP/California Water Fix RDEIR/SDEIS  
Comment Form**

**Document:** July 15, 2015 Public Draft EIR/EIS—Appendix D

**Comment Source:** *California Department of Fish and Wildlife*

**Submittal Date:** *October 30, 2015*

No.	Page	Line #	Comment	ICF Response
1	General comment		<p>The effects analyses and CEQA conclusions associated with Alternative 4A (described in Section 4) include frequent references to both minimization measures unique to Alternative 4A, and AMMs developed in support of Alternative 4 and described in Appendix D of the REIR/EIR or the 2013 Public Draft. Occasionally the minimization measures described in Alt 4A are not consistent with the AMMs developed for Alternative 4, although both are referenced in an effects analysis. This overlap between Alternative 4 and 4A creates confusion regarding the specific measures that will be implemented to avoid and minimize impacts, and achieve a “less than significant impact.”</p> <p>Please carefully review mitigation measures proposed under Alternative 4A and AMMs proposed under Alternative 4 to ensure that their requirements are consistent and complimentary. For example, if Alternative 4A is implemented, the final document should be constructed in such a way that the lead and responsible agencies can easily refer to specific sections to determine pre-project and construction minimization measures required for each special status species and associated mitigation commitments. In addition to this general comment, CDFW staff submitted several specific comments regarding potential conflicts between Alt 4A mitigation measures and Alt 4 AMMs in this table, and in comments to Section 4.3.8.</p>	
2	D -93	13	<p>Many of the bullet points within this section are too general to benefit all covered species. For example generally accepted relocation conditions and protocol (page D-94, lines 36-42) for California tiger salamander (CTS) are different from the standard conditions and protocol for giant garter snake. We suggest adding text to make it clear that the measures described in the 2081b permit prevail if/when they differ from these measures for species listed under CESA.</p>	
3	D-101	19	We suggest adding text from Mitigation Measure	

			BIO-170 here to ensure consistency between AMM 11 and BIO-170. Specifically, please restate the requirements to establish a 250 ft buffer surrounding sensitive plant species occurrences when they occur in, or adjacent to, construction and can feasibly be avoided (see page 4.3.8-322 lines 24-36). Also restate the requirement to compensate for loss of individuals or occupied habitat of special-status plant species through the acquisition, protection, and subsequent management in perpetuity of other existing occurrences as a 2:1 ratio (see page 4.3.8-322 lines 37-45).	
4	D-103	9	Please check and revise AMM18 for consistency with the 2081b permit application.	
5	D.3-110	24-25	CDFW cannot authorize take of greater sandhill crane outside of the NCCPA context. As a result, CDFW review of the “Powerline Plan and Analysis” will not result in such approval and any take resulting from powerline construction in the implementation of Alternative 4A would be unlawful.	
6	D.3-115	17	We suggest deleting the word “marsh”. Pre-project surveys for TRBL colonies should not be limited to marsh habitat. TRBL is known to establish nesting colonies in a wide range of habitat types including tritcale fields, Himalayan blackberry stands, and mustard. Instead, add a sentence listing all possible habitat types that could be occupied by a TRBL nesting colony, as described in Section 4.3.8, to ensure that pre-project surveys have the highest possibility of identifying colonies in, or adjacent to, project activities.	
7	D.3-115	20-22	We suggest simplifying this reference to require consulting the UCD tricolored blackbird portal project which includes surveys outside Suisun Marsh that could overlap with project activities geographically.	
8	D.3-115	24-28	<p>This AMM is too vague and doesn’t require any avoidance of nesting colonies if the project proponent deems avoidance “infeasible”.</p> <p>It is not clear what is meant by the following sentence, and how this confers protection to the species given the regulatory approach for the new preferred alternative:</p> <p>“AMMs will be incorporated into the project design and other portions of the application package prior to submission for coverage under the BDCP.”</p>	
9	D.3-115	33-36	Suggest changing this to a requirement for a “CDFW-approved biologist with tricolored	

			blackbird experience".	
10	D.3-115	39-41	Suggest rewording this sentence:  "Exceptions to the minimum non-disturbance buffer distance will be evaluated and approved by wildlife agencies on a case by-case basis."	
11	D.3-124	13	We suggest replacing "any kind of vegetation types consistent with black rail use in the Delta". With "vegetation types consistent with black rail in the Delta, as determined by field evaluations conducted by a qualified biologist with experience surveying for black rail." The vegetation types consistent with black rail use in the Delta are not defined in the text.	
12	D.3-124	33	We suggest initiating sunset surveys 75 minutes before sunset. This time frame was suggested by CDFW experts based on field survey experience.	
13	D.3-124	35	Please revise to "4.5 National Geodetic Vertical Datum" The "4.5" was left out.	
14	D.3-126	2-3	Because of the buffer requirements below, this would be clearer if it stated that construction will be restricted to the greatest extent possible during the nesting season where nest sites occur within 0.25 miles of construction activities, unless an already existing suitable buffer between the construction activity and the nest site is identified by a CDFW-approved biologist.	
15	D.3-126	26-29	The first and second sentences appear to contradict each other. Can nest trees be removed during the breeding season, or not? We suggest prohibiting nest tree removal during the breeding season.	
16	D.3-126	32-34	The final plan may include additional measures that are specific to site conditions, but may also modify the measures following this paragraph. That intent was lost when the text was changed. Please also note that CDFW review or approval of the nesting bird monitoring and management plan, or other CDFW approvals required by this AMM, will not result in approval for take of white-tailed kite, and any take would be unlawful.	
17	D.3-127	33-34	Change references to CM7 and CM11 to Environmental Commitments. This comment applies throughout Appendix D.	
18	D.3-128	48-50	Is alfalfa high value foraging habitat for white-tailed kite? If so, please provide justification and citations. According to PRBO, kites foraged more efficiently over fallow bare ground than barley fields.	
19	D-231	7	There are other shorebirds that have similar foraging habits as black rail. This sentence should also refer to other shorebirds that feed on aquatic	

			invertebrates in tidal habitats.	
20	D-234	11	Change “mercury” to “selenium”.	
21	D-239 and D-240	21-48 and 1-25	These bullets are currently listed under the subheading of prohibited uses. Please revise this section to ensure that it is clear which bullet points describe actions that are prohibited on CE properties and which bullets describe requirements of CEs (for example wildlife agency monitoring compliance with easement terms).	